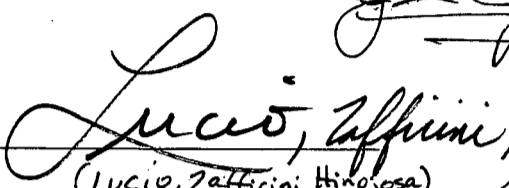


By:

  
(Lucio, Zaffirini, Hinojosa)  
SENATE

S.J.R. No. 27

JOINT RESOLUTION

proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Texas Constitution, is amended by adding Section 49-d-10 to read as follows:

Sec. 49-d-10. (a) The Texas Water Development Board may issue additional general obligation bonds, at its determination, for the economically distressed areas program account of the Texas Water Development Fund II, in an amount not to exceed \$~~500~~<sup>785</sup> million. The bonds shall be used to provide financial assistance to economically distressed areas of the state as defined by law.

(b) Section 49-d-8(e) of this article applies to the bonds authorized by this section.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed \$~~500~~<sup>785</sup> million to provide assistance to economically distressed areas."

## **BILL ANALYSIS**

Senate Research Center  
79R2629 RMB-D

S.J.R. 27  
By: Lucio  
International Relations & Trade  
4/12/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The 71st Legislature, Regular Session, 1989, passed S.B. 2, which was the state's first major attempt to address the problems associated with colonias. S.B. 2 established the Economically Distressed Areas Program (EDAP) which provided financial assistance in the form of grants and loans for water and wastewater service to economically distressed areas. The bill made the Texas Water Development Board (board) the EDAP administrator. S.B. 2 directed the board to develop model rules to assure water and sewer services to residential developments and to strengthen platting requirements. Under EDAP, counties or municipalities would be required to adopt the model rules to become eligible for state financial assistance for water and wastewater projects.

While discussing S.B. 2, the office of the attorney general has reported that "incidentally, a basic policy underlying the legislation was that the state would spend millions of dollars to address water and sewer infrastructure needs in existing colonias, but there would be strict laws and rules to prevent new colonias (and costly remediation) from happening."

EDAP was financed in the early 1990s through voter-approved constitutional amendments that authorized the board to issue up to \$250 million in general obligation EDAP bonds. Currently, only a fraction of this bonding authority is left to address the remaining water and wastewater needs of approximately \$785 million in currently-existing traditional EDAP communities.

S.J.R. 27 proposes a constitutional amendment to provide for the issuance of up to \$500 million in general obligation bonds by the Texas Water Development Board for assistance to economically distressed areas.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article III, Texas Constitution, by adding Section 49-d-10, as follows:

Sec. 49-d-10. (a) Authorizes the Texas Water Development Board to issue additional general obligation bonds, at its determination, for the economically distressed areas program account of the Texas Water Development Fund II, in an amount not to exceed \$500 million. Requires the bonds to be used to provide financial assistance to economically distressed areas of the state as defined by law.

(b) Provides that Section 49-d-8(e) of this article applies to the bonds authorized by this section.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Requires the ballot to be printed to provide for voting for or against the proposition. Sets forth the specific language for the proposition.

1-1 By: Lucio S.J.R. No. 27  
1-2 (In the Senate - Filed March 3, 2005; March 14, 2005, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 March 17, 2005, rereferred to Committee on International Relations  
1-5 and Trade; April 18, 2005, reported favorably by the following  
1-6 vote: Yeas 5, Nays 1; April 18, 2005, sent to printer.)

1-7 SENATE JOINT RESOLUTION

1-8 proposing a constitutional amendment providing for the issuance of  
1-9 additional general obligation bonds by the Texas Water Development  
1-10 Board to provide assistance to economically distressed areas.

1-11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article III, Texas Constitution, is amended by  
1-13 adding Section 49-d-10 to read as follows:

1-14 Sec. 49-d-10. (a) The Texas Water Development Board may  
1-15 issue additional general obligation bonds, at its determination,  
1-16 for the economically distressed areas program account of the Texas  
1-17 Water Development Fund II, in an amount not to exceed \$500 million.  
1-18 The bonds shall be used to provide financial assistance to  
1-19 economically distressed areas of the state as defined by law.

1-20 (b) Section 49-d-8(e) of this article applies to the bonds  
1-21 authorized by this section.

1-22 SECTION 2. This proposed constitutional amendment shall be  
1-23 submitted to the voters at an election to be held November 8, 2005.  
1-24 The ballot shall be printed to provide for voting for or against the  
1-25 proposition: "The constitutional amendment providing for the  
1-26 issuance of additional general obligation bonds by the Texas Water  
1-27 Development Board in an amount not to exceed \$500 million to provide  
1-28 assistance to economically distressed areas."

1-29 \* \* \* \* \*

FAVORABLE  
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 27  
By Lucio  
(Author/Senate Sponsor)  
4-18-05  
(date)

We, your Committee on INTERNATIONAL RELATIONS AND TRADE, to which was referred the attached measure,  
have on April 14, 2005, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Eddie Lucio, Chair	✓			
Senator Eliot Shapleigh, Vice-Chair	✓			
Senator John Carona	✓			
Senator Kevin Eltife	✓			
Senator Craig Estes			✓	
Senator Kel Seliger		✓		
Senator Judith Zaffirini	✓			
TOTAL VOTES	5	1	1	0

COMMITTEE ACTION

S269 Considered in public hearing  
S270 Testimony taken  
Leann Gallegos COMMITTEE CLERK  
Eddie Lucio CHAIR

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

WITNESS LIST

SJR 27

SENATE COMMITTEE REPORT

International Relations & Trade

April 13, 2005 - 1:30PM

ON: Labatt III, Thomas Weir Board Member (Texas Water Development Board), Austin,  
TX  
Ward, J. Kevin Executive Administrator (Texas Water Development Board), Austin,  
TX

Registering, but not testifying:

On: Garcia, Buddy Asst. Secretary of State/Border Commerce Coordinator (Secretary of  
State), Austin, TX

## **BILL ANALYSIS**

Senate Research Center  
79R2629 RMB-D

S.J.R. 27  
By: Lucio  
International Relations & Trade  
4/12/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

The 71st Legislature, Regular Session, 1989, passed S.B. 2, which was the state's first major attempt to address the problems associated with colonias. S.B. 2 established the Economically Distressed Areas Program (EDAP) which provided financial assistance in the form of grants and loans for water and wastewater service to economically distressed areas. The bill made the Texas Water Development Board (board) the EDAP administrator. S.B. 2 directed the board to develop model rules to assure water and sewer services to residential developments and to strengthen platting requirements. Under EDAP, counties or municipalities would be required to adopt the model rules to become eligible for state financial assistance for water and wastewater projects.

While discussing S.B. 2, the office of the attorney general has reported that "incidentally, a basic policy underlying the legislation was that the state would spend millions of dollars to address water and sewer infrastructure needs in existing colonias, but there would be strict laws and rules to prevent new colonias (and costly remediation) from happening."

EDAP was financed in the early 1990s through voter-approved constitutional amendments that authorized the board to issue up to \$250 million in general obligation EDAP bonds. Currently, only a fraction of this bonding authority is left to address the remaining water and wastewater needs of approximately \$785 million in currently-existing traditional EDAP communities.

S.J.R. 27 proposes a constitutional amendment to provide for the issuance of up to \$500 million in general obligation bonds by the Texas Water Development Board for assistance to economically distressed areas.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article III, Texas Constitution, by adding Section 49-d-10, as follows:

Sec. 49-d-10. (a) Authorizes the Texas Water Development Board to issue additional general obligation bonds, at its determination, for the economically distressed areas program account of the Texas Water Development Fund II, in an amount not to exceed \$500 million. Requires the bonds to be used to provide financial assistance to economically distressed areas of the state as defined by law.

(b) Provides that Section 49-d-8(e) of this article applies to the bonds authorized by this section.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Requires the ballot to be printed to provide for voting for or against the proposition. Sets forth the specific language for the proposition.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 29, 2005**

**TO:** Honorable Eddie Lucio, Jr., Chair, Senate Committee on International Relations & Trade

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE:** **SJR27** by Lucio (Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.), **As Introduced**

**No fiscal implication to the State is anticipated**, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 580 Water Development Board

**LBB Staff:** JOB, CL, ZS, TL

FLOOR AMENDMENT NO. 1

BY:

*Luvio*

- 1 Amend S.J.R. No. 27 (Committee Printing), in Subsection (a)  
2 of added Section 49-d-10, Article III, Texas Constitution (page  
3 1, line <sup>10</sup>17), by striking "500" and substituting "785".

**ADOPTED**

MAY 03 2005

*Lotay Spaul*  
Secretary of the Senate

*ballot language  
requires modification  
r. 1, l. 20*

I certify this to be a true and correct  
copy of the indicated document as  
referred or transmitted to committee.

Chief Clerk of the House

By: Lucio, Zaffirini  
Hinojosa  
(Chavez)

S.J.R. No. 27

SENATE JOINT RESOLUTION

proposing a constitutional amendment providing for the issuance of  
additional general obligation bonds by the Texas Water Development  
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The bonds shall be used to provide financial assistance to  
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authorized by this section.

SECTION 2. This proposed constitutional amendment shall be  
submitted to the voters at an election to be held November 8, 2005.  
The ballot shall be printed to provide for voting for or against the  
proposition: "The constitutional amendment providing for the  
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**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

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No fiscal implication to units of local government is anticipated.

**Source Agencies:** 580 Water Development Board

**LBB Staff:** JOB, CL, ZS, TL

# HOUSE COMMITTEE REPORT

05 MAY 19 PM 9:46  
HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By: Lucio, Zaffirini  
Hinojosa  
(Chavez)

S.J.R. No. 27

## SENATE JOINT RESOLUTION

proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Texas Constitution, is amended by adding Section 49-d-10 to read as follows:

Sec. 49-d-10. (a) The Texas Water Development Board may issue additional general obligation bonds, at its determination, for the economically distressed areas program account of the Texas Water Development Fund II, in an amount not to exceed \$785 million. The bonds shall be used to provide financial assistance to economically distressed areas of the state as defined by law.

(b) Section 49-d-8(e) of this article applies to the bonds authorized by this section.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed \$785 million to provide assistance to economically distressed areas."

# COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

5/18/05  
(date)

Sir:

We, your COMMITTEE ON BORDER AND INTERNATIONAL AFFAIRS

to whom was referred SJR 27 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
☒ yes ☐ no A fiscal note was requested.  
☐ yes ☒ no A criminal justice policy impact statement was requested.  
☐ yes ☒ no An equalized educational funding impact statement was requested.  
☐ yes ☒ no An actuarial analysis was requested.  
☐ yes ☒ no A water development policy impact statement was requested.  
☒ yes ☐ no A tax equity note was requested.  
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Chavez

Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Chavez, Chair	<input checked="" type="checkbox"/>			
Griggs, Vice-chair		<input checked="" type="checkbox"/>		
Alonzo	<input checked="" type="checkbox"/>			
Castro	<input checked="" type="checkbox"/>			
Merritt				<input checked="" type="checkbox"/>
<del>Delgado, J.</del>				
Vo	<input checked="" type="checkbox"/>			

Total  
4 aye  
1 nay  
0 present, not voting  
1 absent

Nona Kang  
CHAIR

## **BILL ANALYSIS**

S.J.R. 27  
By: Lucio  
Border and International Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The 71st Legislature, Regular Session, 1989, passed S.B. 2, the state's first major attempt to address the problems associated with colonias, and established the Economically Distressed Areas Program (EDAP) to provide financial assistance in the form of grants and loans for water and wastewater service to economically distressed areas. The Texas Water Development Board was made the EDAP administrator and directed to develop model rules to assure water and sewer services to residential developments and to strengthen platting requirements. To be eligible for state financial assistance in water and wastewater projects, the counties and municipalities are required to adopt the model rules. EDAP is financed in through general obligation bonds that were approved by constitutional amendment authorizing the board with \$250 million in bonding authority. A small amount of this bonding authority remains to address the water and wastewater needs in currently-existing traditional EDAP communities.

Senate Joint Resolution 27 proposes a constitutional amendment to provide for the issuance of up to \$785 million in general obligation bonds by the Texas Water Development Board for assistance to economically distressed areas.

### **RULEMAKING AUTHORITY**

This joint resolution does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

**SECTION 1** Amends Article III, Texas Constitution, by adding Section 49-d-10 to authorize the Texas Water Development Board to issue additional general obligation bonds, at its determination, for the economically distressed areas program account of the Texas Water Development Fund II, in an amount not to exceed \$500 million. Requires the bonds to be used to provide financial assistance to economically distressed areas of the state as defined by law.

Provides that Section 49-d-8(e), Article III, Texas Constitution, applies to the bonds authorized by SECTION 1.

**SECTION 2** Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Requires the ballot to be printed to provide for voting for or against the proposition: "The constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board in an amount not to exceed \$785 million to provide assistance to economically distressed areas."

### **EFFECTIVE DATE**

November 8, 2005, if approved by the voters.

## SUMMARY OF COMMITTEE ACTION

SJR 27

May 16, 2005                      8:00AM

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Left pending in committee

May 18, 2005                      upon final adjourn./recess

Considered in formal meeting

Reported favorably without amendment(s)

2

WITNESS LIST

SJR 27

HOUSE COMMITTEE REPORT

Border and International Affairs Committee

May 16, 2005 - 8:00AM

For: Henneberger, John (Texas Low Income Housing Information  
Service & Border Low Income Housing Coalition)

Registering, but not testifying:

For: de Lafuente, Veronica (Office of Cameron County Judge  
Gilberto Hinojosa)  
Kastrin, Deborah (Commissioners Court, County of El  
Paso)

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**May 11, 2005**

**TO:** Honorable Norma Chavez, Chair, House Committee on Border and International Affairs

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE:** **SJR27** by Lucio (Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.), **As Engrossed**

**No fiscal implication to the State is anticipated**, other than the cost of publication.

The cost to the state for publication of the resolution is \$66,497.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 580 Water Development Board

**LBB Staff:** JOB, CL, ZS, TL

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 29, 2005**

**TO:** Honorable Eddie Lucio, Jr., Chair, Senate Committee on International Relations & Trade

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SJR27** by Lucio (Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.), **As Introduced**

**No fiscal implication to the State is anticipated, other than the cost of publication.**

The cost to the state for publication of the resolution is \$66,497.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 580 Water Development Board

**LBB Staff:** JOB, CL, ZS, TL

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**TAX/FEE EQUITY NOTE**

**79TH LEGISLATIVE REGULAR SESSION**

**May 13, 2005**

**TO:** Honorable Norma Chavez, Chair, House Committee on Border and International Affairs

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SJR27** by Lucio (Proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.), **As Engrossed**

Because the bill would not create or impact a state tax or fee, no comment from this office is required by the rules of the House as to the general effects of the proposal on the distribution of tax and fee burdens among individuals and businesses.

**Source Agencies:**

**LBB Staff:** JOB, SJS

S.J.R. No. 27

By Lucio

proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board to provide assistance to economically distressed areas.

MAR 03 2005

Filed with the Secretary of the Senate

MAR 14 2005

Read and referred to Committee on

**NATURAL RESOURCES**

MAR 17 2005

Re refer to International + Trade

APR 18 2005

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

MAY 03 2005

Senate and Constitutional Rules to permit consideration suspended by:

BY A VIVA VOCE VOTE  
UNANIMOUS CONSENT  
\_\_\_\_ yeas, \_\_\_\_ nays

MAY 03 2005

Read second time, Amended, and ordered engrossed by:

UNANIMOUS CONSENT  
a viva voce vote  
\_\_\_\_ yeas, \_\_\_\_ nays

MAY 03 2005

Senate and Constitutional 3 Day Rule suspended by a vote of 26 yeas, 5 nays.

MAY 03 2005

Read third time, \_\_\_\_\_, and passed by: 26 yeas, 5 nays

AMEND CAPTION TO CONFORM  
TO THE BODY OF THE BILL

Latey Spaw  
SECRETARY OF THE SENATE

OTHER ACTION:

May 3, 2005 Engrossed

May 4, 2005 Sent to House

Engrossing Clerk

Mandi Alford

MAY 04 2005

Received from the Senate

MAY 09 2005

Read first time and referred to Committee on

**Border and International Affairs**

MAY 18 2005

Reported \_\_\_\_\_ favorably (~~amended~~) (~~as substituted~~)

MAY 20 2005

Sent to Committee on Calendars

Read second time (comm. subst.) (amended) and adopted (passed to third reading) by a record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Read third time (amended) and finally adopted (failed of adoption) by a record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with \_\_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

\* : { a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

05 MAY 19 PM 9:46  
HOUSE OF REPRESENTATIVES